



VOSH PROGRAM DIRECTIVE: 02-033

ISSUED: December 15, 1996

SUBJECT: Quick-Fix Program

A. Purpose.

This directive transmits to field personnel procedures for the Quick-Fix Abatement Incentive Program for employers who immediately abate hazards found during a VOSH inspection and thereby prevent worker injury, illness and death.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

OSHA Instruction CPL 2.112 (August 2, 1996).

D. Cancellation.

Not Applicable.

E. Action.

The Deputy Commissioner, Directors and Managers shall assure that field personnel follow the procedures in this Directive when proposing penalties.

F. Effective Date.

December 15, 1996

G. Expiration Date.

Not Applicable.

H. Background.

The Occupational Safety and Health Act does not require abatement of hazards immediately upon identification. If an employer exercises the right to contest in good faith, abatement may not occur until many months or years after the issuance of the citations because employers are not required to abate hazardous conditions until citations have become final orders of the Commissioner. In the interim, the employee(s) will still be exposed to the alleged hazards. An employer's decision to abate a hazardous condition promptly upon being informed of it by the Compliance Safety and Health Officer (CSHO) may, in appropriate circumstances, be taken into account in determining the amount of penalties.

A Quick-Fix penalty reduction program, initiated and piloted in the federal OSHA Parsippany, NJ Area Office during Fiscal Year 1994, was found to be effective in obtaining immediate abatement of hazards and subsequently instituted nationally. This program will encourage employers to increase employee protection immediately, while freeing OSHA employees and employers from monitoring abatement and follow-up paperwork.

I. Criteria.

The VOSH Quick-Fix program shall be implemented in accordance with the following criteria.

1. It shall apply to both safety and health violations provided hazards are immediately abated during the inspection, that is, immediately upon identification by the CSHO (e.g., on the day the condition was pointed out to the employer, or within 24 hours of being discovered by the CSHO).
2. It shall apply to all sizes of employers in all Standard Industrial Classifications (SICs).
3. It shall not apply to violations related either to a fatal injury or illness, or to a serious incident resulting in serious injuries to workers.
4. It shall apply only to individual violations, i.e, not to the citation or penalty as a whole.
5. It shall only apply to corrective action that is permanent and substantial and **not** temporary and superficial (e.g., installing a guard vs. removing employee from machine; or buying and putting on hard hats vs. putting on hard hats laying on the ground), including engineering and/or administrative controls, or taking other steps appropriate to abate a violation.
6. It shall not apply to violations classified as "high" or "medium gravity serious," "willful," "repeat," or "failure-to-abate". CSHOs may also determine that the program does not apply to blatant violations that are easily corrected (e.g., turning on a ventilation system to reduce worker

exposure to a hazardous atmosphere.)

7. No penalty for a serious violation shall be less than \$100.

J. Procedures. VOSH staff shall use these procedures in administering the Quick-Fix Program.

1. **CSHO explanation.** During each opening conference, the CSHO shall advise both the employer and employee representatives, if applicable, that the Quick-Fix penalty reduction may be applied to each qualified violation (i.e., those which meet the criteria noted above at H.) that the employer immediately abates during the inspection and the CSHO visually verifies. The CSHO shall also explain the above criteria and answer any questions concerning the program.
2. **Reduction amount.** A Quick-Fix penalty reduction of 15% shall be applied to an individual violation's base penalty after the base penalty has been calculated in accordance with the VOSH Field Operations Manual (FOM). After the 15% Quick-Fix reduction is applied, the reduction for size, good faith, and history will then be applied.
3. **Recording in the Integrated Management Information System (IMIS).** CSHOs will document the VOSH-1B by writing "Quick-Fix" under the penalty calculation.
 - a. 1Bs created with the 1B from the **IMIS CSHO Menu** must use the code "Q" in Item 26, **Abate. Completed/TUR.** This code will indicate that a Quick-Fix has been applied and will automatically reduce the gravity based penalty by 15%.
 - b. 1Bs created with the 1B from the **IMIS User Menu** must use the code "Q" in Item 14d, **Completed.** This code will indicate that a Quick-Fix has been applied. The 15% reduction MUST be manually computed and the proposed penalty entered in Item 19, **Penalty(\$).**

Theron J. Bell
Commissioner

Attachment: None.

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